

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**BY-LAW NO. 54-17**

**TO ADOPT AMENDMENT NO. 32 TO THE TOWN OF ST. MARYS OFFICIAL PLAN**

The Council of the Corporation of the Town of St. Marys in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990 hereby enacts as follows:

1. Amendment No. 32 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted.
2. That the Clerk is hereby authorized and directed to proceed with the giving of written notice of the Town's decision in accordance with the provisions of the Planning Act, R.S.O. 1990.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

**Read a first and second time this 27<sup>th</sup> day of June, 2017.**

**Read a third and final time and passed this 27<sup>th</sup> day of June, 2017.**

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Mayor Al Strathdee

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Brent Kittmer, CAO / Clerk



**AMENDMENT NO. 32**

**TO THE**

**TOWN OF ST. MARYS OFFICIAL PLAN**

**Prepared by:**  
**Council of the Corporation of the Town of St. Marys**  
**June 2017**

## **THE CONSTITUTIONAL STATEMENT**

**PART A - THE PREAMBLE** does not constitute part of this Amendment.

**PART B - THE AMENDMENT**, consisting of the following text and map (designated Schedule "A-32"), constitutes Amendment No. 32 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

## **PART A - THE PREAMBLE**

### **Purpose**

The purpose of this Amendment is to set forth specific policies within the “Highway Commercial” designation which will apply only to the area affected by this Amendment, as shown in hatching on the attached Schedule “A-32”.

### **Location**

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

#### **Item (1)**

The land that is affected by this Amendment is described as 825 and 895 Queen Street East, Part of Lot 17, Concession 19, in the Town of St. Marys, as shown in bold outline on the attached Schedule “A-32”.

#### **Items (2)**

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be added to Section 3.3.3 of the Town Official Plan.

### **Basis**

The two properties subject to these proposed Amendments are located at 825 and 895 Queen Street East, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary). The two subject properties are abutting, are irregularly shaped and are further described as follows:

1. L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East; and,
2. Irregularly shaped lot (3.33 ha) with 185.3 metres of frontage along Road 120.

The Town has also received three Consent to Sever Applications as summarized below.

### **B04-2017**

Consent to Sever Application B04-2017 proposes to sever that area of the L-shaped property located between the two existing single-detached dwelling residential uses and add it to the irregular shaped property located to the north. The area to be severed fronts onto Queen Street East, has a width of 20.0 metres and an area of 1,219.2 m<sup>2</sup>. This will result in two remnant parcels from the L-shaped lot: one to the east consisting of most of the lot for the easterly single detached dwelling use; and one to the west consisting of the lot for the westerly single detached dwelling and the vacant agricultural use area to the north.

### **B05-2017**

Consent to Sever Application B05-2017 proposes to sever that area of the property which is located to the north of the westerly single-detached dwelling residential use and add it to the adjacent irregular shaped property to the east. The lands to be severed measure approximately 50.9 metres x 252.8 metres and have an area of 12,867.6 m<sup>2</sup>. The single-detached dwelling use will continue on the remnant parcel.

**B06-2017**

Consent to Sever Application B06-2017 proposes to sever a small area from the irregular shaped property and add it to the easterly single-detached dwelling use lot. The area to be severed has a depth of approximately 8.12 metres and an area of 414.1 m<sup>2</sup>.

The table below provides a summary of the sizes and dimensions of the proposed new lots.

	<b>Proposed Lot for Existing Easterly Residential Dwelling</b>	<b>Proposed Lot for Existing Westerly Residential Dwelling</b>	<b>Remaining Highway Commercial Lands</b>
<b>Lot Area</b>	3,524.1 m <sup>2</sup>	3,516.1 m <sup>2</sup>	47,001 m <sup>2</sup>
<b>Lot Width</b>	51.0 m	50.9 m	20 to 201.8 m
<b>Lot Depth</b>	69.1 m	69.1 m	321.9 m

The subject properties are currently designated Highway Commercial according to the Town's Official Plan, with a Natural Hazards Constraint Area overlay over parts of the northern parts of each property. The Official Plan Amendment does not change the existing Highway Commercial designation or Natural Hazards Constraint Area overlay that currently apply to the subject properties. The purpose and intent of the Official Plan Amendment is to add special policies to the Exceptions subsection of the Highway Commercial designation (Section 3.3.3) to recognize the existing single detached dwellings and accessory uses as permitted uses, and allow for the creation of two separate lots for these existing residential uses.

## **PART B - THE AMENDMENT**

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-32” (Land Use Plan), constitutes Amendment No. 32 to the Town of St. Marys Official Plan.

### **DETAILS OF THE AMENDMENT**

The Town of St. Marys Official Plan is hereby amended as follows:

#### Item 1

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by labelling the land use designation of lands described as 825 and 895 Queen Street East, Part of Lot 17, Concession 19, in the Town of St. Marys as shown in bold outline on Schedule “A-32” attached hereto as subject to the policies of Section 3.3.3 e).

#### Item 2

By adding a new clause to Section 3.3.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“e) Within the lands described as 825 and 895 Queen Street East, Part of Lot 17, Concession 19, in the Town of St. Marys, existing single detached dwellings and accessory uses are recognized as additional permitted uses. In addition, consents, to create a maximum of two residential lots for the existing residential uses with a maximum area of 4,000 m<sup>2</sup> per lot, are permitted.”

## **PART C - THE APPENDICES**

The following appendices do not constitute part of Amendment No. 32 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

### **APPENDIX I - BACKGROUND TO THE AMENDMENT**

The owner of the subject property has made application to amend the Official Plan in order to recognize existing residential uses and permit the creation of two residential lots for existing residential uses.

### **APPENDIX II - LAND USE SURVEY**

Land uses in the vicinity of the subject property described in the attached June 27, 2017 Town Staff Report.

### **APPENDIX III - SERVICES**

As conditions of approval of provisional consent, the Town will require that the two existing dwellings are individually connected to the municipal water distribution system and existing water supply wells currently servicing the dwellings are to be decommissioned in accordance with Ontario Regulation 903 once the dwelling units are connected to the municipal water distribution system.

### **APPENDIX IV - PLANNING CONSIDERATIONS**

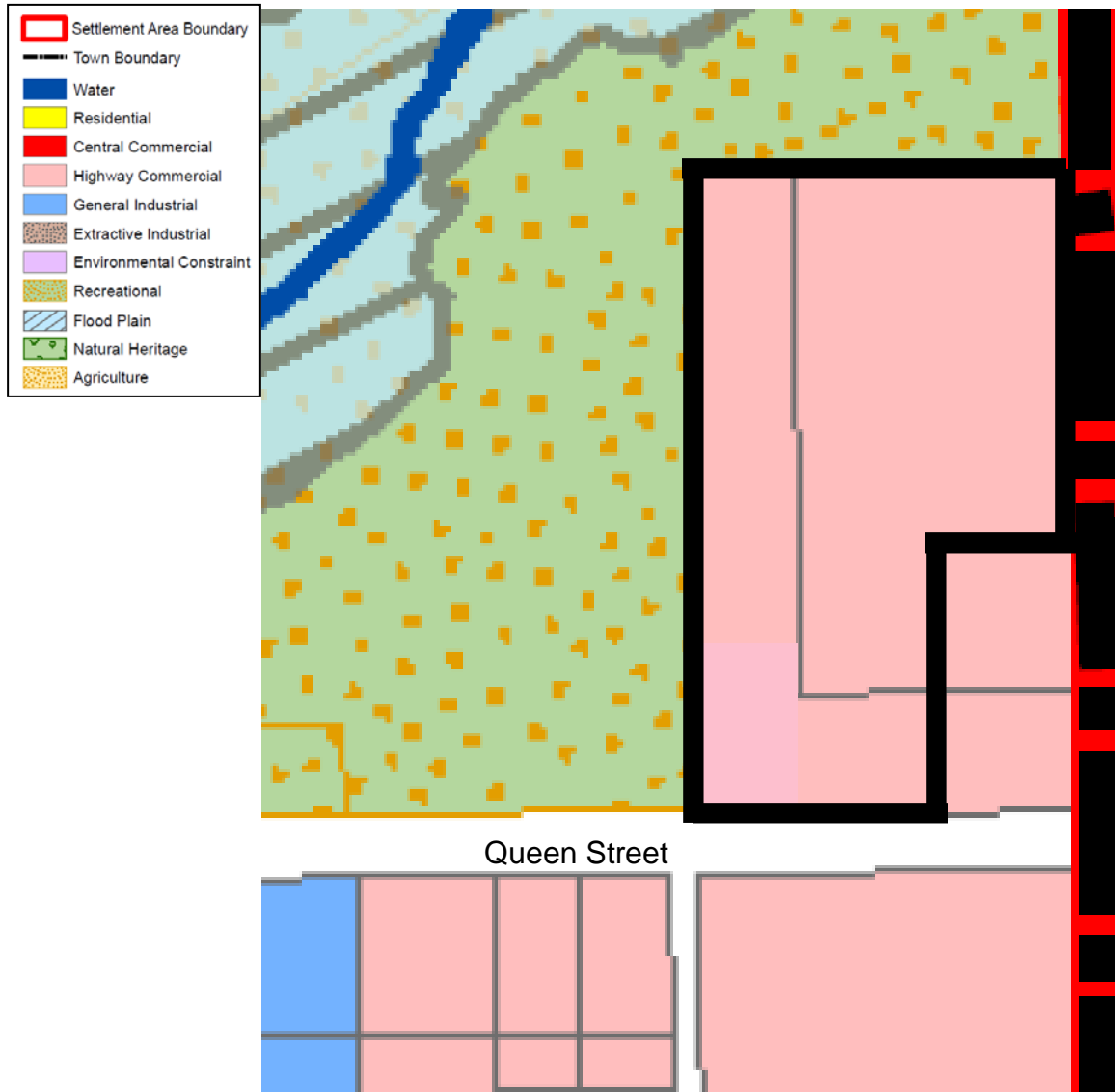
Refer to planning considerations in attached June 27, 2017 Town Staff Report.

### **APPENDIX V - PUBLIC PARTICIPATION**

Includes the following:

- a) Notice of Public Meeting at the Planning Advisory Committee (June 5, 2017);
- b) Agency comments summarized in June 27, 2017 Town Staff Report; and,
- c)** Notice of Public Meeting at Council (June 27, 2017).

**Schedule “A-32” – Land Use Plan**  
**AMENDMENT NO. \_\_**  
**to the Town of St. Marys Official Plan**



Lands subject to OPA 32 [Remain in Highway Commercial designation and subject to policies of Section 3.3.3 e)]





## FORMAL REPORT

<b>To:</b>	Mayor Stratthdee and Members of Council
<b>Prepared by:</b>	Susan Luckhardt, Planning Coordinator
<b>Date of Meeting:</b>	27 June 2017
<b>Subject:</b>	<b>DEV 18-2017 Applications for Official Plan Amendment and Zoning By-law Amendment – 825 and 895 Queen Street East</b>

### PURPOSE

The purpose of this report is to provide Council with a summary and recommendation as it pertains to the Official Plan and Zoning By-law Amendment Applications for 825 and 895 Queen Street East.

### RECOMMENDATION

THAT DEV 18-2017 Applications for Official Plan Amendment and Zoning By-law Amendment - 825 and 895 Queen Street East be received;

THAT Council approve the Official Plan Amendment and Zoning By-law Amendment Applications for 825 and 895 Queen Street East on the basis that no significant concerns are raised by the public or members of Council at the statutory public meeting; and,

THAT Council approves By-law 54-17 to adopt Official Plan Amendment No. 32; and,

THAT Council approves Zoning By-law Z124-2017 for 825 and 895 Queen Street East.

### BACKGROUND

The subject properties are located at the east end of the municipality, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary) as shown on the General and Specific Location Maps, and the Sketch submitted by the applicant, attached to this report. The Town has received Applications to amend Official Plan policies and zone provisions with respect to the subject properties.

### REPORT

The general purpose and intent of the Official Plan and Zoning By-law Amendment Applications (and three related Consent to Sever Applications concurrently submitted to the Town's Committee of Adjustment) are to:

- add special policies to the Highway Commercial designation to allow for the creation of two separate lots (Parts 2 & 5, and Part 3 as shown on the attached Proposed Lot Fabric Sketch) for each of the existing residential uses
- add special provisions to the Highway Commercial Zone (C3-H) (Special Provisions - Section 17.4) to permit the proposed residential lots and allow the existing residential uses to continue
- consolidate remaining lands (Parts 1, 4 and 6) into one lot

Table 1 provides a summary of the approximate sizes and dimensions of the proposed new lots.

**Table 1: Size and Dimensions of Proposed Lots**

	Parts 2 & 5 (Existing Residential)	Part 3 (Existing Residential)	Parts 1, 4 & 6 (Remaining Highway Commercial Lands)
<b>Lot Area</b>	3,524.1 m <sup>2</sup>	3,516.1 m <sup>2</sup>	47,001 m <sup>2</sup>
<b>Lot Width</b>	51.0 m	50.9 m	20 to 201.8 m
<b>Lot Depth</b>	69.1 m	69.1 m	321.9 m

The public was circulated on May 15, 2017 advising of Planning Advisory Committee's (PAC) review of the Official Plan and Zoning By-law Amendment Applications at the June 5, 2017 PAC meeting. At the June 5, 2017 meeting, the PAC recommended to Council:

*THAT the Planning Advisory Committee for the Separated Town of St. Marys recommends approval of Applications OP01-2017 and Z02-2017 from Margaret McMillan Baird and Bairds of Strathaven Inc. for an Official Plan Amendment and a Zoning By-law Amendment affecting Part of Lot 17, Concession 19, 825 and 895 Queen Street East, St. Marys and further that Council proceed immediately to a Public Meeting to be scheduled for June 27, 2017.*

On June 7, 2017, the Town's Committee of Adjustment held a public hearing to consider the three related Consent to Sever Applications (Files: B04-2017, B05-2017 & B06-2017). On the recommendation of Town Staff, the Committee of Adjustment deferred the Applications until approval of the related Official Plan Amendment. Section 53(12) of the Planning Act requires that in determining whether a provisional consent should be given, certain matters shall be considered including whether the proposal conforms with the Official Plan [under Section 51(24)].

## **SITE CONDITIONS AND CHARACTERISTICS**

The two abutting, existing subject properties are irregularly shaped and are further described as follows with reference to the submitted Sketch attached to this report:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)

- Two existing single detached dwellings (originally constructed in 1890 and 1972) and vacant agricultural
- 2) Irregularly shaped lot (3.29 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)
- Storage barn and vacant agricultural

## **SURROUNDING LAND USES**

<b>North:</b>	St. Marys Golf and Country Club
<b>South:</b>	Queen Street East and the Stone Willow Inn
<b>East:</b>	St. Marys Home Building Centre and Road 120
<b>West:</b>	St. Marys Golf and Country Club

## **PLANNING CONTEXT**

### **Official Plan**

The subject properties are designated Highway Commercial according to the Town's Official Plan. The Highway Commercial designation is intended to "provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area" (Objective 3.3.1.1). Uses permitted in the Highway Commercial designation are set out in Section 3.3.2.2 of the Official Plan:

- Uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.
- Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.

A Natural Hazards Constraint Area is identified on the northern parts of the subject properties, according to Schedule C of the Official Plan. The Natural Hazards Constraint Area is an overlay that applies "to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as Natural Hazards in this Official Plan" (Section 3.8.2.16). The policies of the Natural Hazards Constraint Area overlay are intended to apply in addition to the policies of the underlying designation.

Section 7.17.4 of the Official Plan states that "in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing

development in order to determine whether the proposed use is premature;

- c) the compatibility of the proposed use with conforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities”.

The proposed Official Plan Amendment, attached to this report, does not change the existing Official Plan land use designation that currently applies to the subject properties. However, the proposed Amendment would create an exception stating that existing single detached dwellings and accessory uses are recognized as additional permitted uses on the subject lands. In addition, the exception would also permit consents to create a maximum of two residential lots for the existing residential uses with a maximum area of 4,000 m<sup>2</sup> per lot.

### **Zoning By-law**

The subject properties are zoned Highway Commercial Zone (C3-H). The Highway Commercial Zone permits a wide range of commercial, service and recreational uses. The ‘H’ represents a holding provision that is applied to ensure that development takes a form compatible with adjacent land uses and that agreements are entered into following public site plan review. Until Council removes the H symbol, only existing uses are permitted.

The Zoning By-law also identifies the UTRCA Regulation Limit on the northern part of the properties. The UTRCA Regulation Limit shows the approximate location of lands that may be subject to flooding, erosion and/or unstable slopes.

The proposed Zoning By-law Amendment, attached to this report, will not change the existing Zone category that currently applies to the subject properties. However, the proposed Amendment would:

- remove the lands from the “Highway Commercial Zone (C3-H)” and place these lands in the “Highway Commercial Zone (C3-11-H)”, subject to the regulations of a new special provisions Section 17.4.11

- add a new special provisions Section 17.4.11:
  - specifically recognizing the two existing single detached dwellings as permitted uses
  - providing the following regulations for the existing residential uses
    - Lot Area, Minimum 3,000 square metres;
    - Lot Area, Maximum 4,000 square metres;
    - Lot Frontage, Minimum 45.0 metres;
    - Lot Depth, Minimum 65.0 metres;
    - Front Yard, Minimum 35.0 metres;
    - Interior Side Yard, Minimum 5.0 metres;
    - Rear Yard, Minimum 10.0 metres;
    - Building Height, Maximum height of existing dwelling;
    - Lot Coverage, Maximum 35 per cent.
  - deeming the lot line adjacent to Road 120 to be the front lot line for the purposes of any through lot
  - providing a minimum interior side yard requirement of 1.0 metres for any existing non-residential building to specifically recognize the existing storage barn relative to the proposed new lot lines

## COMMUNICATIONS

Notice of Public Meeting for the Official Plan Amendment and Zoning By-law Amendment Applications was circulated by first class mail to all land owners within 120 metres of the subject properties, to those agencies as prescribed by Regulation and sign notices were also posted on the properties.

The following table provides a summary of comments received from Town Departments and agencies to date. Copies of correspondence are attached to this Report.

Department/Agency	Date	Summary of Comments
Upper Thames River Conservation Authority	May 26, 2017	<ul style="list-style-type: none"> <li>• No objection to Applications</li> </ul>

## PLANNING ANALYSIS

The proponent has submitted planning justification in support of the Applications, summarized as follows:

- Approval of the Applications will not result in physical land use change but will allow for lot creation for existing residential uses while consolidating lands for future development
- The existing residential uses have existed and operated as compatible uses in the past and there is no reason this will change as result of these Applications

The Applications do not propose to change the existing designation in the Official Plan (Highway Commercial) or the existing Zone in the Zoning By-law (Highway Commercial) that currently apply to the subject properties. The applicant has indicated that the proposed severances are required to consolidate the non-residential lands for future development and

permit the existing residential uses to continue on separate lots until development occurs in the future in accordance with the policies of the Highway Commercial designation and the Highway Commercial Zone. Any future proposed highway commercial development on these lands will be subject to required review and approval(s) under the Planning Act. The frontage, depth and size of the proposed lots will be sufficient to accommodate the existing residential uses and future highway commercial uses planned for the area.

## SUMMARY

It is recommended that Council approve the proposed Official Plan and Zoning By-law Amendments if there are no concerns from Council or the public at the statutory public meeting.

## FINANCIAL IMPLICATIONS

None.

## OTHERS CONSULTED

Grant Brouwer, Director of Building and Development; Susan Luckhardt, Planning Coordinator.

## ATTACHMENTS

- 1) Applications for Official Plan and Zoning By-law Amendments
- 2) Notice of Public Meeting
- 3) General Location Map
- 4) Specific Location Map
- 5) Property Sketch
- 6) Proposed Lot Fabric Sketch
- 7) Correspondence Received

## REVIEWED BY

### Recommended by the Department

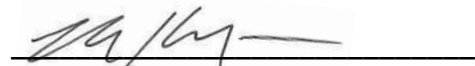


Grant Brouwer  
Director of Building and Development



Mark Stone  
Planner

### Recommended by the CAO



Brent Kittmer  
CAO / Clerk



175 QUEEN STREET EAST  
PO BOX 998  
ST. MARYS, ONT. N4X 1B6  
PHONE (519) 284-2340  
FAX (519) 284-3881  
[www.townofstmarys.com](http://www.townofstmarys.com)

**NOTICE OF RECEIPT OF COMPLETE APPLICATIONS**  
**CONCERNING PROPOSED**  
**OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS**

**TAKE NOTICE** that the Corporation of the Town of St. Marys has received applications for approval of Official Plan and Zoning By-law Amendments pursuant to Sections 22 and 34 of the *Planning Act R.S.O. 1990* and have deemed same to be complete pursuant to the provisions of the *Planning Act R.S.O. 1990*.

The Planning Advisory Committee will be reviewing the applications for Official Plan and Zoning By-law Amendments at its regular meeting scheduled for **Monday June 5, 2017 at 6:00 p.m.** in the Municipal Operations Centre (408 James Street South) and you are invited to attend this meeting.

The subject properties are located at the east end of the municipality, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary). The two abutting properties are irregularly shaped and are further described as follows with reference to the attached Sketch submitted with the Applications:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)
- 2) Irregularly shaped lot (3.29 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)

The subject lands are designated Highway Commercial in the Town's Official Plan and zoned Highway Commercial Zone (C3-H) in the Town's Zoning By-law Z1-1997. The proposed Official Plan and Zoning By-law Amendments will not change the land use designation or zone that currently apply to the subject properties. The purpose and intent of the Official Plan and Zoning By-law Amendments and three related Consent to Sever Applications (Files B04-2017, B05-2017 & B06-2017) concurrently submitted to the Town's Committee of Adjustment is to:

- Add special policies to the Highway Commercial designation to allow for the creation of two separate lots (Parts 2 & 5, and Part 3 on the attached Sketch) for the existing residential lots
- Add special provisions to the Highway Commercial Zone (C3-H) to permit the proposed residential consents and allow the existing residential uses to continue
- Consolidate remaining lands (Parts 1, 4 and 6) into one lot

**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan and/or Zoning By-law Amendments.

**Please note:** Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and will be included in the Council agenda and minutes. Council agenda and minutes are published on the Town of St. Marys website at [www.townofstmarys.com](http://www.townofstmarys.com).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Corporation of the Town of St. Marys before the proposed Official Plan Amendment is adopted or the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of St. Marys to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Town of St. Marys before the proposed Official Plan Amendment is adopted or the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

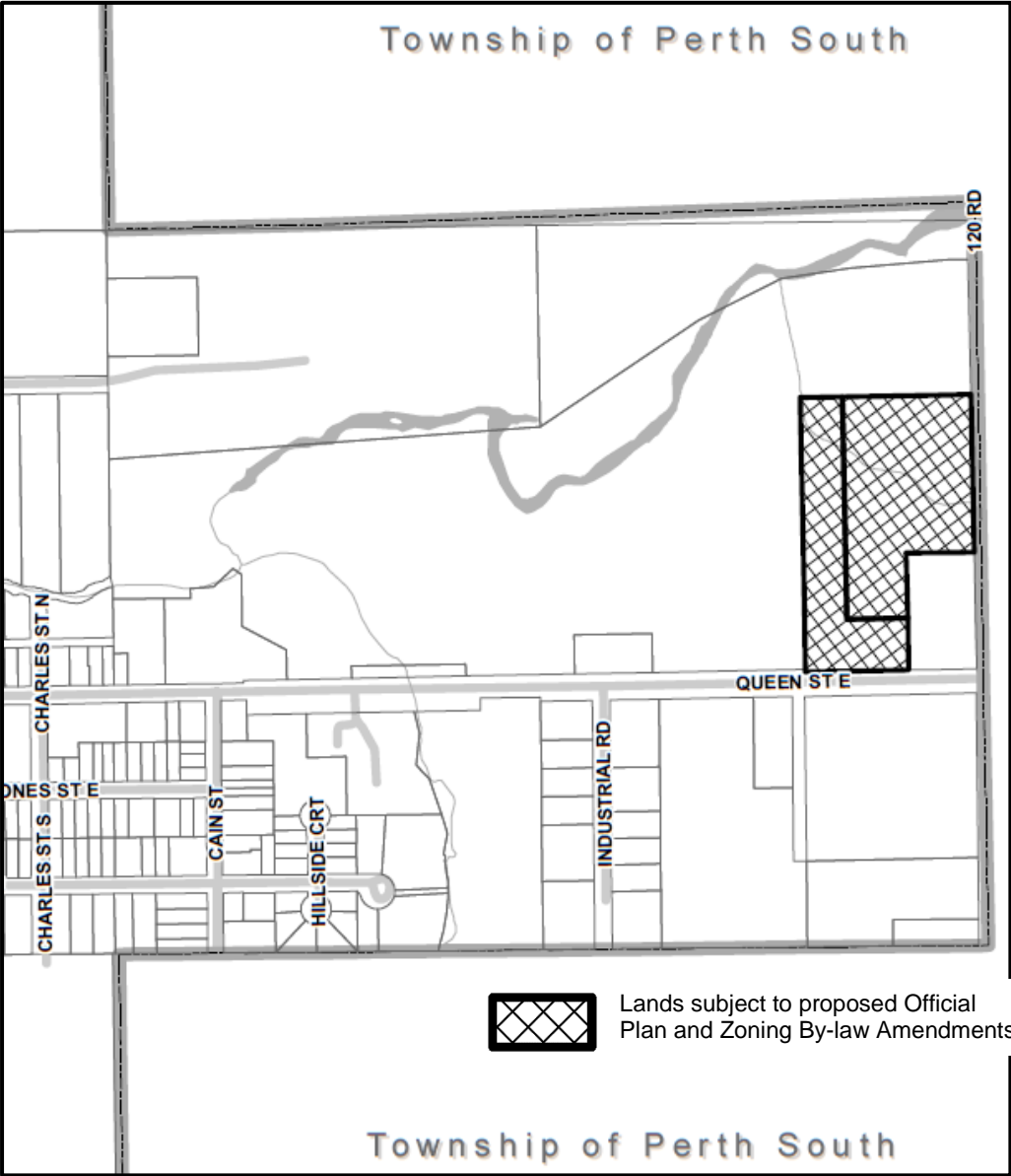
If you wish to be notified of the decision of the Town of St. Marys on the proposed Official Plan and/or Zoning By-law Amendments, you must make a written request to the CAO-Clerk of the Town of St. Marys (Brent Kittmer).

**ADDITIONAL INFORMATION** relating to the proposed Official Plan and Zoning By-law Amendments are available for inspection during office hours at the Town of St. Marys Municipal Operations Centre and can be provided in an accessible format upon request.

**DATED AT THE TOWN OF ST. MARYS THIS 15<sup>th</sup> DAY OF MAY, 2017.**

Susan Luckhardt, Secretary-Treasurer, Planning Advisory Committee, Town of St. Marys,  
408 James Street South, P.O. Box 998, St. Marys, ON, N4X 1B6.  
Telephone: (519) 284-2340 ext. 243; Fax:(519) 284-0902.





May 26, 2017

Town of St. Marys  
175 Queen Street East  
P.O. Box 998  
St. Marys. Ontario      N4X 1B6

**Attention: Susan Luckhardt, Planning Coordinator, (via e-mail [sluckhardt@town.stmarys.on.ca](mailto:sluckhardt@town.stmarys.on.ca))**

Dear Ms. Luckhardt,

**Re:                    Applications for Official Plan Amendment, Zoning By-law Amendment & Consent:  
                         B04-2017; B05-2017; B06-2017  
                         Owners: Margaret McMillan Baird (Bairds of Strathaven Inc.)  
                         Agents: Dave Hanly & Janet Baird-Jackson  
                         Property: 825 & 895 Queen St. East in the Town of St. Marys**

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The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments:

### **PROPOSAL**

The purpose of the application for Official Plan Amendment is to request a change to the land use designation of the lands on which two single-detached dwellings are currently located. The two single-detached dwellings are to remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The proposed retained lands are to remain in the "Highway Commercial" designation.

The purpose of the Zoning By-law Amendment application is to request that the zoning of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.

The purpose of the applications for Consent is to sever the existing residential dwelling uses from the balance of the lands. The three (3) consent applications will result in The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres along Queen St. East, a frontage of 185.32 metres on Road 120, and an area of 4.7 hectares.

### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject property (retained lands) is affected by the Authority's Regulation Limit which includes the riverine flooding and erosion hazards associated with the Sheldon Drain/Trout Creek. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any development or site alteration in the regulated area which includes filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL**

The UTRCA's Environmental Planning Policy Manual is available online at <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>  
The policies which are applicable to the subject lands include:

#### ***3.2.2 General Natural Hazard Policies***

These policies direct new development, and site alteration, away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. Furthermore, the Authority does not support the fragmentation of hazard lands through lot creation. This policy is consistent with the Provincial Policy Statement (PPS, 2014) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

#### ***3.2.3 Riverine Flooding Hazard Policies***

These policies address matters such as the provision of detailed flood plain mapping, uses that may be permitted in the flood plain, one & two zone flood plain policy areas as well as special policy areas.

#### ***3.2.4 Riverine Erosion Hazard Policies***

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

Given that the applications (OPA, ZBA & Consents) do not propose the further fragmentation of hazard lands, the foregoing, at this time, is being provided for information purposes only.

### **DRINKING WATER SOURCE PROTECTION**

#### **Clean Water Act**

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject property is within identified as being within a vulnerable area. Mapping which shows these areas is available at: [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

***Provincial Policy Statement (PPS, 2014):***

**Section 2.2.1** requires that:

*“Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*

**Section 2.2.2** requires that:

*“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

- We would remind the Town that a Section 59 Screening Form is required to be submitted as part of these applications. Please complete and submit the form for our review at your earliest convenience.

**RECOMMENDATION**

At this time, given that fragmentation of hazard lands is not being proposed, nor is any development being proposed within the Regulated area at this time, the UTRCA has no objection to the subject applications (OPA, ZBA & Consents) affecting property municipally known as 825 & 895 Queen St. East, St. Marys. The foregoing comments are provided for the information of the applicant/agent, owner(s) the Planning Advisory Committee, Land Division Committee, Council and the Planning Department.

**UTRCA REVIEW FEES**

In June 2006, the UTRCA’s Board of Directors approved the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority*. This manual authorizes Authority Staff to collect fees for the review of Planning Act applications including applications for Official Plan Amendment, Zoning By-law Amendment & Consent (\$200.00 each). When applications are submitted concurrently, the fees will be reduced by 50%. The total fee for our review of these applications is \$600.00 (\$200.00 + 50% of \$800.00). An invoice will be sent directly to the applicant under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.

UTRCA Comments  
OPA, ZBA & B04-2017, B05-2017 & B06-2017  
825 & 895 Queen St East., St. Marys  
Bairds of Strathaven Inc./Hanly & Baird-Jackson

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY

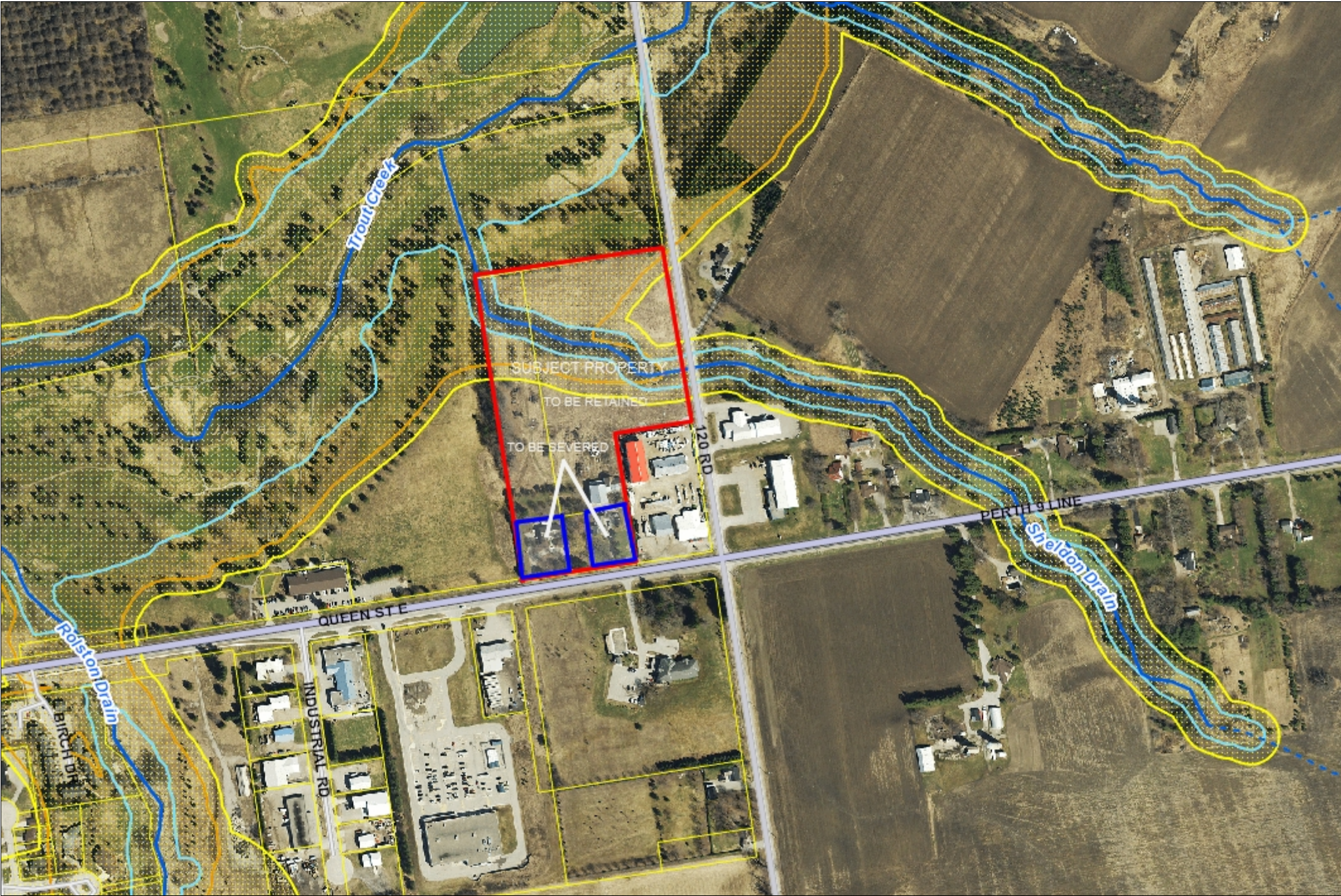


Spencer McDonald  
Land Use Planner  
SM/sm

c.c. Dave Hanly, Planner/Agent (via email: [ctkelly@rogers.com](mailto:ctkelly@rogers.com))  
Mark Stone, Planner (via email: [mark@mlsplanning.ca](mailto:mark@mlsplanning.ca))

Enclosure: UTRCA Regulation limit mapping (please print on legal sized paper for the scales to be accurate)





Notes:  
825 & 895 Queen St E. St. Marys (B04-06/17)

Created By: SM    May 25, 2017

\* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



# Regulation Limit

Regulation under s.28 of the *Conservation Authorities Act*  
Development, interference with wetlands, and alterations to shorelines and watercourses. O.Reg 157/06, 97/04.

## Legend

- UTRCA Watershed (1:10K)
- Assessment Parcel (St. Marys)
- Watercourse
  - Open
  - Tiled
- Flooding Hazard
- Erosion Hazard
- Regulation Limit 2015

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.

The UTRCA disclaims explicitly any warranty, representation or guarantee as to the content, sequence, accuracy, timeliness, fitness for a particular purpose, merchantability or completeness of any of the data depicted and provided herein.

The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

This document is not a Plan of Survey.

Sources: Base data, 2010 Aerial Photography used under licence with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

UPPER THAMES RIVER  
CONSERVATION AUTHORITY  
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175 QUEEN STREET EAST, PO BOX 998  
ST. MARYS, ONT. N4X 1B6  
PHONE (519) 284-2340  
FAX (519) 284-3881  
[www.townofstmarys.com](http://www.townofstmarys.com)

## **NOTICE OF PUBLIC MEETING CONCERNING PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS**

**TAKE NOTICE** that, pursuant to Sections 22 and 34 of the Planning Act, R.S.O. 1990, the Council of the Corporation of the Town of St. Marys will hold a public meeting on **Tuesday, June 27, 2017 at 6:00 p.m.** in the Town Hall Council Chamber (175 Queen Street East) to consider proposed Amendments to the Town of St. Marys Official Plan and Zoning By-law.

The two properties subject to these proposed Amendments are located at 825 and 895 Queen Street East, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary) as shown on the General and Specific Location Maps attached to this Notice. The two subject properties are abutting, are irregularly shaped and are further described as follows with reference to the attached Sketch submitted with the Applications:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)
- 2) Irregularly shaped lot (3.33 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)

The Town has also received three Consent to Sever Applications as summarized below. A Lot Fabric Sketch showing the proposed lot fabric that would result from approval of these Applications is attached.

### **B04-2017**

Consent to Sever Application B04-2017 proposes to sever that area of the L-shaped property (Part 1 on the attached Sketch) located between the two existing single-detached dwelling residential uses and add it to the irregular shaped property located to the north (Parts 5 and 6 on the attached Sketch).

### **B05-2017**

Consent to Sever Application B05-2017 proposes to sever that area of the property (Part 4 on the attached Sketch) which is located to the north of the westerly single-detached dwelling residential use and add it to the adjacent irregular shaped property to the east (Parts 5 and 6 on the attached Sketch).

### **B06-2017**

Consent to Sever Application B06-2017 proposes to sever a small area from the irregular shaped property (Part 5 on the attached Sketch) and add it to the easterly single-detached dwelling use lot (Part 2 on the attached Sketch).

The subject properties are currently designated Highway Commercial according to the Town's Official Plan, with a Natural Hazards Constraint Area overlay over parts of the northern parts of each property. The subject properties are currently zoned Highway Commercial Zone (C3-H) according to the Town's Zoning By-law Z1-1997. The 'H' represents a holding provision that is applied to ensure that development takes a form compatible with adjacent land uses and that agreements are entered into following public site plan review. Until Council removes the H symbol, only existing uses are permitted.

The proposed Official Plan and Zoning By-law Amendments will not change the existing Official Plan land use designation or Zone that currently apply to the subject properties. The purpose and intent of the Official Plan and Zoning By-law Amendment Applications are summarized below.

### **Official Plan Amendment**

- Add special policies to the Exceptions subsection of the Highway Commercial designation (Section 3.3.3) to add existing single detached dwellings and accessory uses as permitted uses, and allow for the creation of two separate lots via Consent. These special policies will apply to the two proposed lots identified as Parts 2 & 5, and Part 3 on the attached Sketch.

## **Zoning By-law Amendment**

- Amend Key Map 10 of Schedule “A” to the Zoning By-law to identify that there are special provisions that apply to the subject properties.
- Add special provisions to the Special Provisions subsection of the Highway Commercial Zone (Section 17.4) to:
  - add existing single detached dwelling and accessory uses as permitted uses on the two proposed lots identified as Parts 2 & 5, and Part 3 on the attached Sketch;
  - establish minimum lot frontage and lot area requirements for the proposed residential lots based on the proposed lot configuration;
  - establish yard and lot coverage requirements for the proposed residential lots and the existing storage barn on the irregularly shaped lot; and,
  - deem the lot line of the proposed new consolidated lot (Parts 1, 4 and 6 on the attached Sketch) adjacent to Road 120 as the front lot line.

Any person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan Amendment and/or Zoning By-law Amendment.

**Please note:** Comments and opinions submitted on these matters, including the originator’s name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and will be included in the Council agenda and minutes. Council agenda and minutes are published on the Town of St. Marys website at [www.townofstmarys.com](http://www.townofstmarys.com).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Corporation of the Town of St. Marys before the proposed Official Plan Amendment is adopted and/or the Zoning By-law Amendment is passed, the person or public body is not entitled to appeal the decision(s) of the Council of the Corporation of the Town of St. Marys to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Town of St. Marys before the Official Plan Amendment is adopted and/or the Zoning By-law Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Town of St. Marys on the proposed Official Plan Amendment and/or Zoning By-law Amendment, you must make a written request to the CAO-Clerk of the Town of St. Marys (Brent Kittmer).

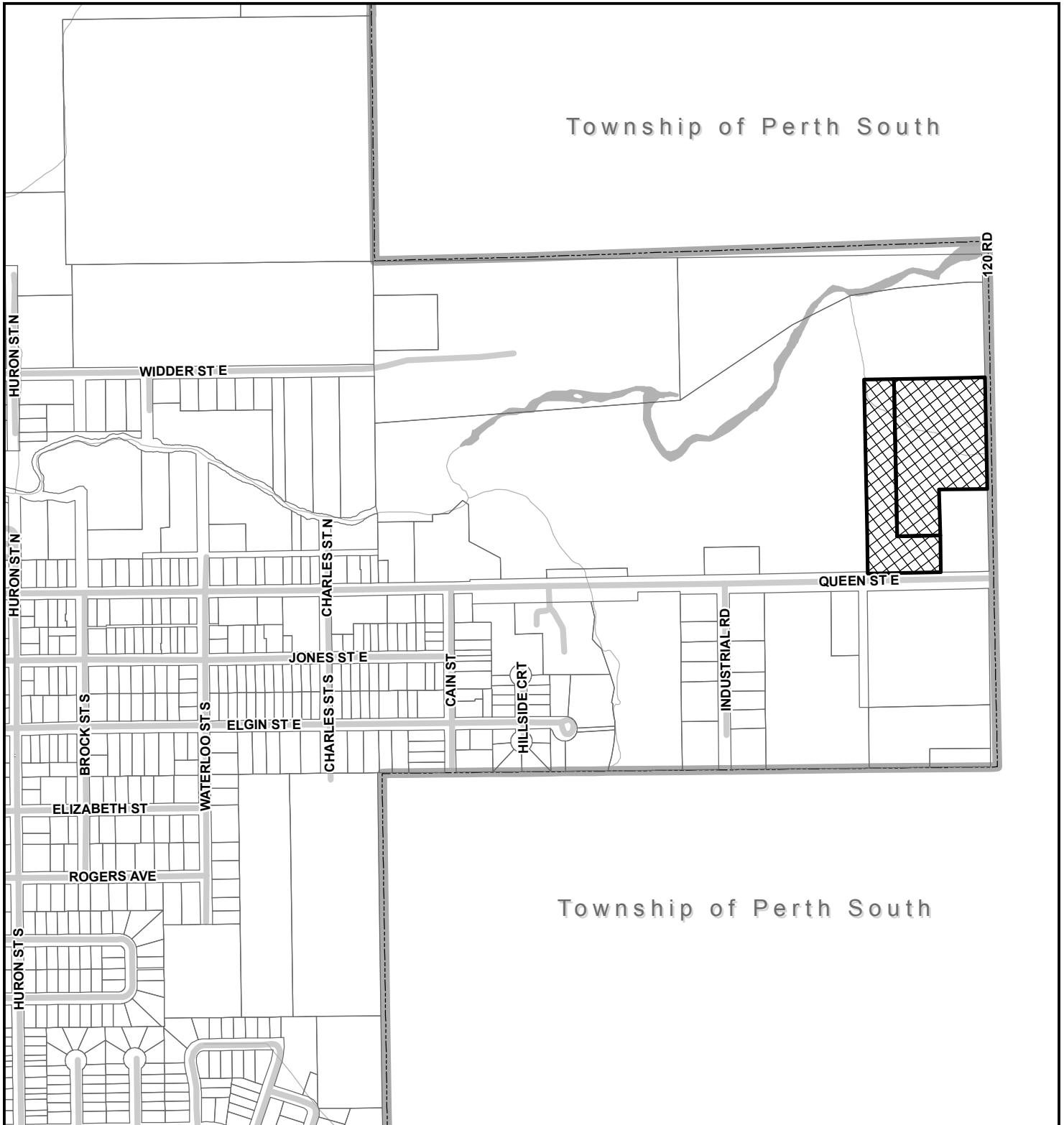
**ADDITIONAL INFORMATION** relating to the proposed Official Plan and Zoning By-law Amendments are available for inspection during office hours at the Town of St. Marys Municipal Operations Centre and can be provided in an accessible format upon request.

**DATED AT THE TOWN OF ST. MARYS THIS 7<sup>th</sup> DAY OF JUNE, 2017.**

Brent Kittmer Clerk/CAO, Town of St. Marys, 175 Queen Street East, PO Box 998, St. Marys, Ontario N4X 1B6 Telephone: (519) 284-2340; Fax: (519) 284-3881.



**General Location Map**  
**Town of St. Marys**  
**825 and 895 Queen Street East**



ONTARIO CANADA  
**ST. MARYS**



Subject Area

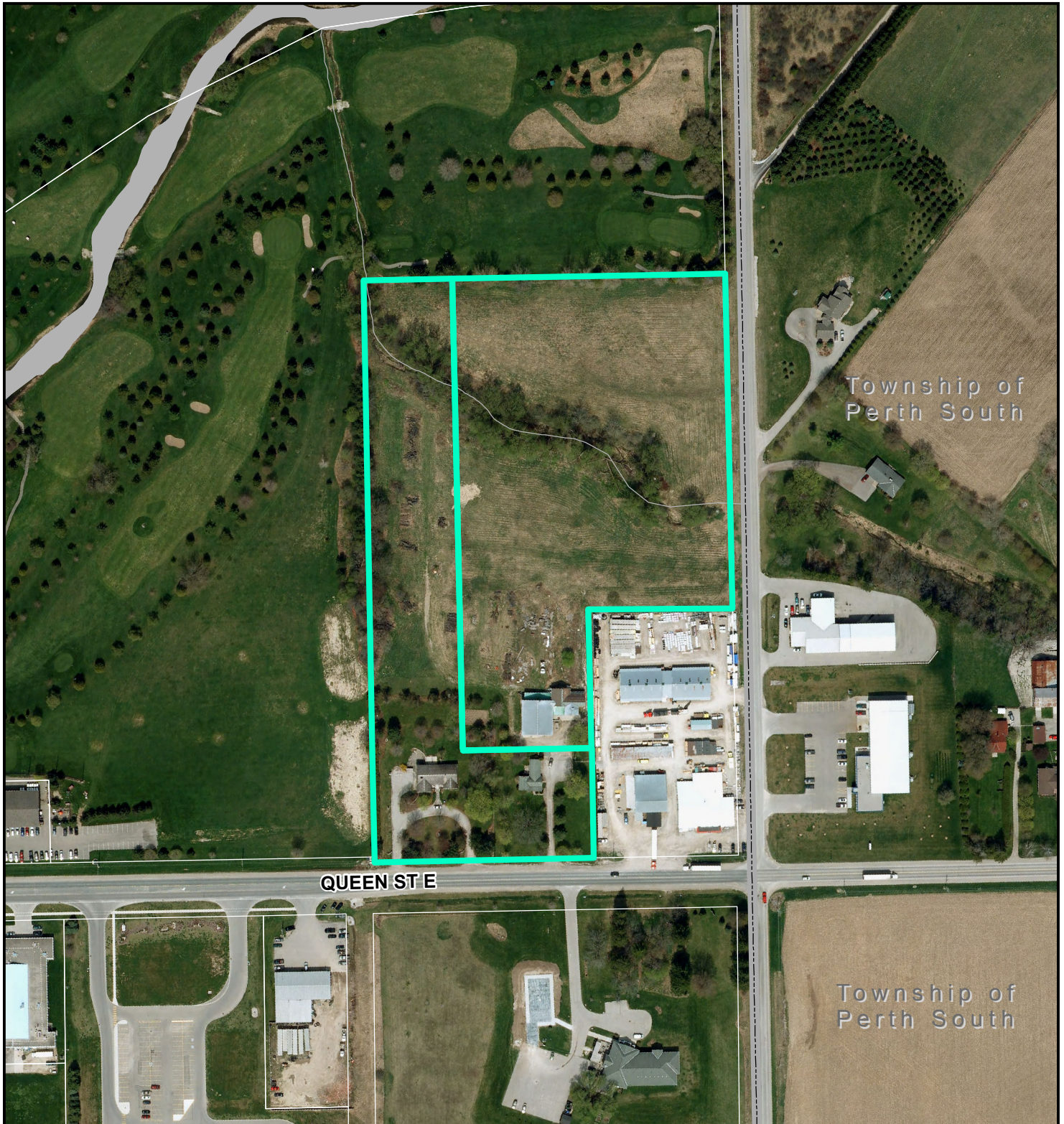



0 100 200 300 400 Metres

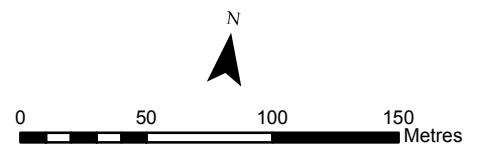
May 11, 2017



Specific Location Map  
Town of St. Marys  
825 and 895 Queen Street East



 Subject Area



May 11, 2017



# OPA, ZBA AND SEVERANCE SKETCH

OF PART OF  
**LOT 17**  
**CONCESSION 19.**

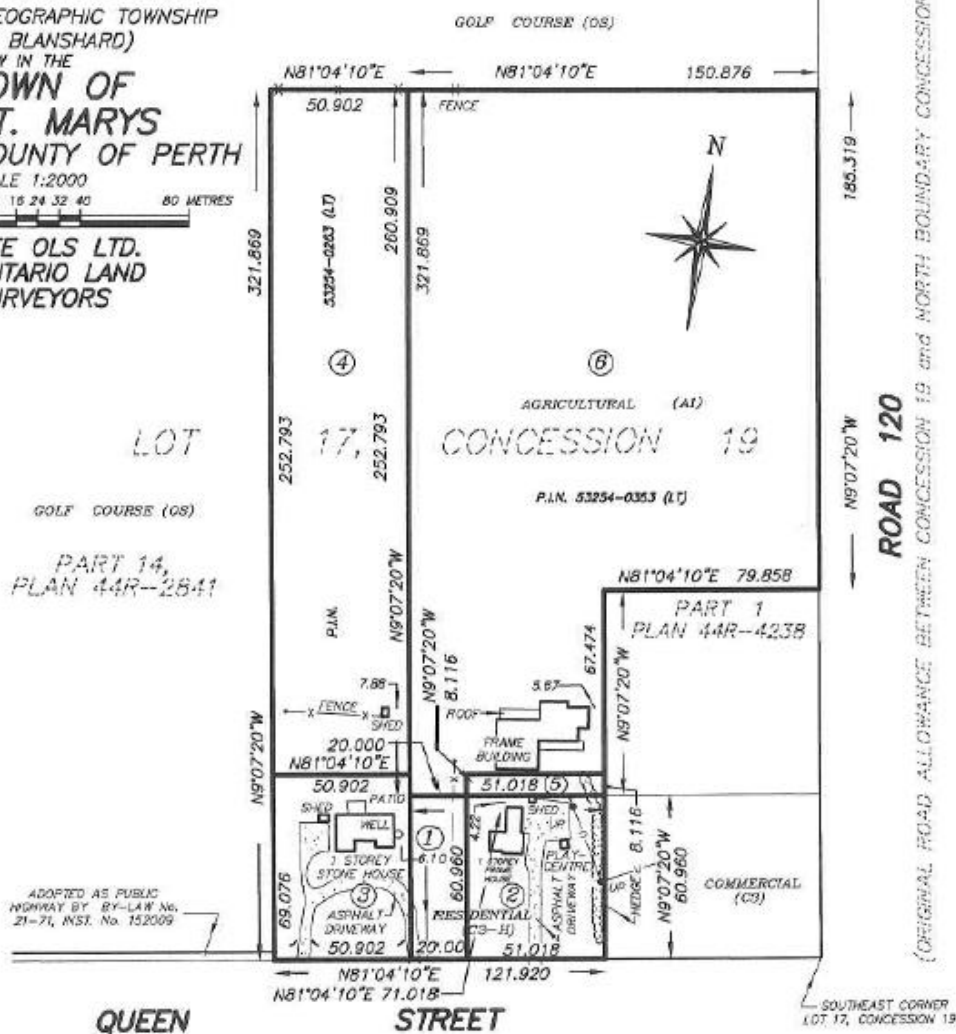
(GEOGRAPHIC TOWNSHIP  
OF BLANSHARD)

NOW IN THE  
**TOWN OF**  
**ST. MARYS**  
**COUNTY OF PERTH**

SCALE 1:2000

0 8 16 24 32 40 80 METRES

**MTE OLS LTD.**  
**ONTARIO LAND**  
**SURVEYORS**



## PARCEL AREAS

PARCEL	AREA (m <sup>2</sup> )	AREA (Ha)
①	1219.2	0.1219
②	3110.0	0.3110
③	3516.1	0.3516
④	12857.6	1.2858
⑤	414.1	0.0414
⑥	32914.2	3.2914

## AREAS:

AREAS SHOWN ON THIS PLAN IN SQUARE METRES AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.

## METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

## CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PREPARED FOR BAIRD MINK RANCH LTD.  
DATE : MAY 3, 2017

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VALID UNLESS IT IS  
AN EMBOSSED  
ORIGINAL COPY ISSUED  
BY THE SURVEYOR



**MTE OLS Ltd.**

ONTARIO LAND SURVEYORS

365 HOME STREET

STRATFORD, ONTARIO, N5A 2A5

TEL: (519) 271-7952

FAX: (519) 271-3545

Doc File: P:\P\35725\101\35725-101-SV3.DWG

CGO: 35725-101-UTMGROUND.ASC

Drawn By: M. MASCIOTTA

Checked By: T. McNEIL, O.L.S.

File No.: 35725-101-SV3 (S)

## File No : 35725-101-SV3 (S)